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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,861	10/06/2000	Paul Bilibin	PSTM0024/MRK	2827
29524	7590	12/24/2003	EXAMINER	
KHORSANDI PATENT LAW GROUP, A.L.C. 140 S. LAKE., SUITE 312 PASADENA, CA 91101-4710			VAN DOREN, BETH	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/684,861

Applicant(s)

BILIBIN ET AL.

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6,8,9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The following is a non-final, first office action on the merits. Claims 1-9 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Cameron et al. (U.S. 5,832,459).

3. As per claim 1, Cameron et al. discloses a shipping management computer system, said computer system programmed to:

determine from a set of delivery times for each of a plurality of services for each of a plurality of carriers a potential delivery schedule for each of the plurality of services for each of the plurality of carriers in response to a request by each of a plurality of users to ship a particular parcel, wherein each user accesses the shipping management computer system over a global

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communications network using a client computer device, and wherein each user client computer device has an individual electronic connection to the global communications network (See at least the abstract, figures 1, 6, 28, and 29, and column 4, lines 65-67, column 5, lines 1-15 and 25-33, column 17, lines 60-67, and column 18, lines 10-50, wherein a potential delivery schedule is determined in response to a request from a user to ship a parcel, the user accessing the system over a communications network via a client computer device connected to the system. The customers are using personal computers to order over the network (the network having multiple servers) and have the items shipped).

4. As per claim 2, Cameron et al. teaches a shipping management computer system further programmed to:

calculate for each of the plurality of users upon each request by each user a shipping rate for each of the plurality of services offered by each of a plurality carriers for delivering the particular parcel according to the determined potential delivery schedule for the particular service for the particular carrier (See at least the abstract, figures 28 and 29, column 17, lines 60-67, and column 18, lines 10-50, wherein a shipping rate is calculated for delivering the parcel).

5. As per claim 3, Cameron et al. teaches a shipping management computer system further programmed to:

generate in response to a user request for a shipping rate and delivery time comparison, a display of an online interactive prompt to a display monitor configured with a user client computer device of the particular user, said online interactive prompt comprising a comparison of shipping rates for a plurality of services offered by a plurality of carriers for delivering the particular parcel according to the determined potential delivery schedule for the particular

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service for the particular carrier (See at least the abstract, figures 28 and 29, column 17, lines 60-67, and column 18, lines 10-50, wherein in response to the user request, a shipping rate and delivery time is shown on the online display on the monitor and the user can interact with said display).

6. As per claims 4-6, claims 4-6 are method claims with equivalent limitations to claims 1-3, respectively. Therefore, claims 4-6 are rejected using the same art and rationale as claims 1-3, respectively.

7. As per claims 7-9, claims 7-9 recite equivalent limitations to claims 1-3, respectively. Therefore, claims 7-9 are rejected using the same art and rationale as claims 1-3, respectively.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barns-Slavin et al. (U.S. 5,117,364) discloses shipping rates based on shipping class and carriers to automatically determine shipping charges.

Cameron et al. (U.S. 5,592,378) discloses a computerized order entry system that places orders and has means to control the shipping of said orders.

Cordery et al. (U.S. 5,781,634) discloses preparing mail pieces.

Wojcik et al. (U.S. 5,758,329) teaches managing customer orders automatically and moving said parcels using the computerized system.

Blinn et al. (U.S. 6,058,373) discloses processing order forms electronically and determining the shipping rates, means, and times.

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Martin et al. (U.S. 5,960,408) discloses setting and reporting delivery dates for parcels using an automated system.

Wiecha (U.S. 5,870,717) discloses a network based ordering system that processes orders and allows the orders to be shipped, the shipment arranged via the system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882.

The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

bvd
bvd

December 4, 2003

Susanna Diaz
Susanna Diaz
Primary Examiner
A.U. 3623